REMARKS

The foregoing Amendment and the following Remarks are submitted in response to the Final Office Action mailed September 8, 2004 in connection with the above-identified application and are being filed within the third month after the three-month shortened statutory period set for a response by the Final Office Action and as part of a Request for Continued Examination.

Claims 82 and 84-97 remain pending in the present application. Claim 83 has been canceled, and claims 82 and 96 have been amended to include the subject matter of now-canceled claim 83. Applicant respectfully submit that no new matter has been added to the Application by the Amendment.

Applicant respectfully requests reconsideration and withdrawal of the rejection of the application, consistent with the following remarks.

The Examiner has rejected claims 82-97 under 35 USC § 103(a) as being obvious over Schull (U.S. Patent No. 6,266,654) in view of Koppelman et al. (U.S. Patent No. 6,662,164). In addition, the Examiner has rejected claim 92 under § 103(a) as being obvious over the Schull and Koppelman references and further in view of Krishnan et al. (U.S. Patent No. 6,073,124), and has rejected claims 94 and 95 under § 103(a) as being obvious over the Schull and Koppelman references and further in view of Powell (U.S. Patent Disclosure No. 2001/0032189). Applicant respectfully traverses the § 103(a) rejections.

Independent claim 82 recites a method of issuing digital licenses from a licensor for a corresponding piece of digital content, where the content was originally issued by a retailer. In the method, the licensor receives a first license request for a first license from a first customer in connection with the content, where the first customer has received a

copy of the content from the retailer. The first request includes retailer information associated with the corresponding piece of digital content and identifying the retailer. The licensor receives a payment from the first customer in connection with the first license request, retrieves the retailer information from the first license request and identifies the retailer therefrom, and credits the identified retailer for a portion of the payment received in connection with the first license request.

The licensor then receives a second license request for a second license from a second customer in connection with the content, where the second customer having received a copy of the content from the first customer. The second request includes first customer information associated with the corresponding piece of digital content and identifies the first customer. The licensor receives a payment from the second customer in connection with the second license request, retrieves the first customer information from the license request and identifies the first customer therefrom, and credits the first customer for a portion of the payment received in connection with the second license request.

As amended, claim 82 also recites that crediting the first customer comprises recording the first customer information in a database for accounting purposes. The database includes an entry for each first customer information, where each entry includes a count for counting the number of times a license has been issued for the specific first customer information combination. In particular, such recording comprises finding the first customer information entry in the database corresponding to the first customer information of the second request, or creating such sub-entry if none is present, and incrementing the count in such entry.

Independent claim 96 recites substantially the same subject matter as claim 82, albeit with a single customer making the first and second license requests.

The Schull reference discloses a method for tracking software lineage, whereby a piece of software self-tracks to whom such piece of software is copied. As was pointed out by the Examiner, the Schull reference most relevantly discloses that it would be advantageous to offer purchasers a commission on sales derived from their own purchased copy of a given product. This would encourage users to purchase the product, pass it to other potential purchasers, post it, publicize it, and recommend it on bulletin board systems where it is likely to be discovered or downloaded, and so on. It would also provide a way of offering existing purchasers a discount when they buy second or third copies for use on additional computers. Thus, when a Customer A purchases a copy, his name, address etc is collected along with the Variable Portion data which individuates his particular purchased copy. If subsequent purchases involve new genomes which differ from Customer A's genomes by only one bit, they will be recognizable as first-order derivatives of Customer A's copy; if a new genome is registered which differs by two bits, it will be recognizable as a second order derivative, and so on. Commissions can thus be paid to successful redistributors on a regular basis, and under a variety of terms and conditions which might be specified in the promotional language embedded in the product itself.

Thus, the Schull reference recognizes that a first customer might be awarded an incentive based on a purchase by a second customer as derived from such first customer. However, and significantly, and as the Examiner recognizes, the Schull reference does not recognize that a first customer may be credited by recording the first customer information in a database for accounting purposes, where the database includes an entry for each first

customer information, and where each entry includes a count for counting the number of times a license has been issued for the specific first customer information combination. Thus, the Schull reference does not recognize that such recording should or could comprise finding the first customer information entry in the database corresponding to the first customer information of the second request, or creating such sub-entry if none is present, and incrementing the count in such entry.

Nevertheless, the Examiner argues that the Koppelman reference teaches such features. The Koppelman reference in fact discloses a system for determining the commission to be paid to a sales representative or sales team, where such system includes defined allocation rules, quotas, promotions, and the like. Significantly, such sales representative or team is not a customer that has obtained / licensed content, as is required by claims 82 and 96, and in fact the Koppelman reference does not at all appreciate that a such sales representative or team should or could be providing licenses for content, as is required by claims 82 and 96.

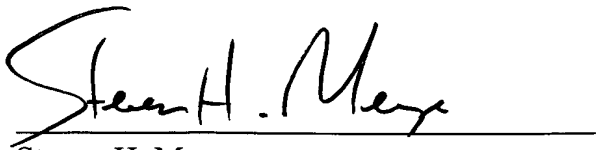
More significantly, although the Examiner argues that the Koppelman reference appreciates crediting the sales representative or team for certain commission sales, such crediting is not at all disclosed or even suggested as being done by recording a first customer information in a database for accounting purposes, where the database includes an entry for each first customer information, and where each entry includes a count for counting the number of times a license has been issued for the specific first customer information combination, all as required by claims 82 and 96. Thus, and again, the Koppelman reference does not at all recognize or appreciate that such recording should or could comprise finding the first customer information entry in the database corresponding to the first customer

information of the second request, or creating such sub-entry if none is present, and incrementing the count in such entry, as is required by claims 82 and 96.

Thus, Applicant respectfully submits that neither the Schull nor the Koppelman references, alone or combined, disclose or suggest the subject matter recited in claims 82 and 96 as amended. Accordingly, and for all the aforementioned reasons, Applicant respectfully submits that the Schull reference and the Koppelman reference cannot be applied to make obvious such claims 82 and 96 or any claims depending therefrom, including claims 84-95, and 97. Further, Applicant respectfully submits that since independent claim 82 has been shown to be non-obvious, then so too must all claims depending therefrom be non-obvious, including claims 92, 94 and 95, at least by their dependency. Thus, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejections.

In view of the foregoing Amendment and discussion, Applicant respectfully submits that the present application, including claims 82 and 84-97, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,



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